

1 THE HONORABLE RICARDO MARTINEZ

2  
3  
4  
5  
6  
7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 KENNETH FLEMING, JOHN DOE, R.K. and  
11 T.D.,

NO. C04-2338 RSM

12 Plaintiffs,

**DECLARATION OF PLAINTIFF R.K.  
IN SUPPORT OF OPPOSITION TO  
PLAINTIFFS' MOTIONS FOR  
SUMMARY JUDGMENT**

13 v.

14 THE CORPORATION OF THE PRESIDENT  
15 OF THE CHURCH OF JESUS CHRIST OF  
16 LATTER-DAY SAINTS, a Utah corporation  
17 sole, a/d/a "MORMON CHURCH"; LDS  
18 SOCIAL SERVICES a/d/a LDA FAMILY  
19 SERVICES, a Utah corporation,

**NOTE ON MOTION CALENDAR:  
FRIDAY, FEBRUARY 3, 2006**

20 Defendants.

21 I, Robert Kelly, declare as follows:

22 1. I am one of the plaintiffs in this action and make this declaration based on  
23 personal knowledge.

24 2. I grew up in Kent, Washington. Throughout all of the years of my childhood,  
25 my family and I were the only neighbors of Dr. Herman Allenbach and his family. Our  
26

DECLARATION OF ROBERT KELLY - 1  
(C04-2338 RSM)  
[157970 v5.doc]

ORIGINAL

LAW OFFICES  
GORDON, THOMAS, HONEYWELL, MALANCA,  
PETERSON & DAHEIM LLP  
ONE UNION SQUARE  
600 UNIVERSITY, SUITE 2100  
SEATTLE, WASHINGTON 98101-4185  
(206) 676-7500 - FACSIMILE (206) 676-7575

1 respective homes were located in a very isolated area of southeast King County. The next  
2 nearest neighbor was about ¼ mile away.

3 3. My brother and I were best friends with Ricky and Jimmy Allenbach  
4 throughout these years and we spent significant time at each other's houses. In fact, we were  
5 at each other's house on almost a daily basis. I remember that we played at the Allenbach  
6 home most of the time.

7  
8 4. I remember that the Allenbach family home was built into a massive complex  
9 that served as a "2<sup>nd</sup> church" for members of the Kent 2<sup>nd</sup> Ward. Dr. Allenbach lived in a very  
10 large primary house/residence with 7-8 bedrooms and he built two other large houses that  
11 directly adjoined the primary Allenbach residence. The two other adjoining living residences  
12 were used to house Mormon missionaries while they served their two-year missions, in  
13 addition to other Mormon members. One such member was Jack Loholt who sexually abused  
14 me. I remember being aware that Jack Loholt was also a priest and elder in the Mormon  
15 Church. Being raised in a devoutly Catholic family and knowing what a Catholic priest was,  
16 and based on what was said and what I observed, I believed that Dr. Allenbach and Jack  
17 Loholt were some kind of "holy" men.

18  
19 5. I was also aware at that time that Dr. Allenbach and Jack Loholt were leaders  
20 in the Mormon Scouting program. While I was not a member of the Kent 2<sup>nd</sup> Ward Scout  
21 troop, there were several times when I participated with Ricky and Jimmy Allenbach in Boy  
22 Scout merit badge testing with Jack Loholt.

23  
24 6. The fact that Jack Loholt held these positions within the Mormon Church and  
25 that he was good friends with Dr. Allenbach (whom I also regarded as an important religious  
26

DECLARATION OF ROBERT KELLY - 2  
(C04-2338 RSM)  
[157970 v5.doc]

LAW OFFICES  
GORDON, THOMAS, HONEYWELL, MALANCA,  
PETERSON & DAHEIM LLP  
ONE UNION SQUARE  
600 UNIVERSITY, SUITE 2100  
SEATTLE, WASHINGTON 98101-4185  
(206) 676-7500 - FACSIMILE (206) 676-7575

1 leader) led me to believe that Loholt was someone who could be trusted. At several points  
2 during this period, I strongly considered joining the Mormon Church. I probably would have  
3 joined had it not been for my parents' opposition to the idea.

4 7. Jack Loholt played on the traditions of my own faith (Catholic) to lure me in to  
5 his bedroom where most of the abuse was to later occur. Around the time the abuse began  
6 Jack asked me: "How do you pray with your family?" ' He asked me to show him. We went  
7 in to his bedroom. Jack sat on the end of the bed exactly the way my father sat when we  
8 would pray as a family at night. I knelt down by Jack's bed and recited the "Our Father"  
9 prayer for him.  
10

11 8. Throughout the years of my childhood, I recall that Dr. Allenbach and others in  
12 the Allenbach family wanted me and my family to join/convert to the Mormon Church. My  
13 family was Roman Catholic. They did not get very far with my mother and father; but my  
14 brother, sister and I were especially targeted through all of the years of our childhood.  
15 Eventually, my sister became insistent to the Allenbach's that she did not want to become a  
16 member of the Mormon Church. Their response was to ostracize her and not include her in  
17 any of the Church-related activities at their house. My brother and I continued to be invited  
18 on Church-related outings.  
19

20 9. The pressure Dr. Allenbach put upon me to join the Mormon Church was  
21 considerable and almost constant while I was growing up. Despite this, I liked going to  
22 Mormon Church events at the Allenbach home because it was always so much fun. I  
23 remember that Ricky and Jimmy always said how "bad" the Catholic Church was and how  
24 great it is being Mormon. They showed me how fun it was to be a Mormon by attending  
25  
26

DECLARATION OF ROBERT KELLY - 3  
(C04-2338 RSM)  
[157970 v5.doc]

LAW OFFICES  
GORDON, THOMAS, HONEYWELL, MALANCA,  
PETERSON & DAHEIM LLP  
ONE UNION SQUARE  
600 UNIVERSITY, SUITE 2100  
SEATTLE, WASHINGTON 98101-4185  
(206) 676-7500 • FACSIMILE (206) 676-7575

1 many of the Church functions at their home, such as sporting events, going to seminary  
2 (religious instruction) in the mornings before school at their church, praying with the  
3 Allenbach family, meeting missionaries who lived at the Allenbach home, fellowshipping  
4 with many of the people who visited the Allenbach home, and at times, worshipping with the  
5 Allenbach children at their church.  
6

7 10. I remember playing on Mormon softball teams and playing in softball  
8 tournaments that were Church supported. When I was approximately 10-11 years old, I  
9 remember traveling overnight with Dr. Allenbach and his entire family to the Tri-Cities area  
10 to attend a Mormon-supported softball tournament.

11 11. In addition, I remember that Dr. Allenbach sponsored several families from out  
12 of the country. These families converted to Mormonism and lived at the Allenbach family  
13 home for a period of time. I remember that the Allenbach family home served as a meeting  
14 place for the Mormon-supported Boys Scouts of America while I was growing up as well.  
15

16 I certify under penalty of perjury, under the laws of the State of Washington and the  
17 United States, that the foregoing is true and correct.

18 DATED this 30 day of January, 2006 at Kent, Washington.  
19

20  
21   
22 ROBERT P. KELLY  
23  
24  
25  
26

DECLARATION OF ROBERT KELLY - 4  
(C04-2338 RSM)  
[157970 v4.doc]

LAW OFFICES  
GORDON, THOMAS, HONEYWELL, MALANCA,  
PETERSON & DAHEIM LLP  
ONE UNION SQUARE  
900 UNIVERSITY, SUITE 2100  
SEATTLE, WASHINGTON 98101-4185  
(206) 876-7500 • FACSIMILE (206) 876-7575

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that on January 30, 2006, I electronically filed the foregoing  
**DECLARATION OF PLAINTIFF R.K. IN SUPPORT OF OPPOSITION TO  
PLAINTIFFS' MOTIONS FOR SUMMARY JUDGMENT** with the Clerk of the Court  
using the CM/ECF system which will send notification of such filing to the following:

Thomas D. Frey and Marcus Nash STAFFORD FREY COOPER 601 Union Street, Suite 3100 Seattle, WA 98101-1374	
---	--

DATED this 30<sup>th</sup> day of January, 2006.

/s/Teri A. Watson

Teri A. Watson  
Assistant to Michael T. Pfau,